**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT PETITION NO : 14059 of 2005**

Between:

Sri Lakshmi Venkateswara Group R.C.M.School,

rep., by Group leader smt. Konda Narayanamma
R/o. Chennaredduypally Kalasapadu Mandal
Kadapa District.

**..... PETITIONER**

AND

1 The District collector,
Cuddapah .
2 The Mandal Revenue Officer,
Kalasapadu Mandal, Cuddapah District.
3 Smt. Sura Venkatanarayanamma Group leader,
Radha Mahila Swayam Sahayaka Sangham,

Chennareddypally Village
Kalasapadu Mandal Kadapa District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or orders one in the nature of writ of mandamus by declaring the action of the respondent No.1 in issuing impugned orders of the 1st respondent in Ref.No.I(1)/3624/2004, dt.05-05-2005 in directing the 3rd respondent to continue as implementing agency of RCME School Chennareddypally Village, Kalasapadu Mandal, Kadapa District pending enquiry to be conducted by RDO Rajampet even though, it is well settled law that it is well settled law that any person who is charged

with serious allegation of misappropriation and misusing of the goods meant for public or children, as illegal, unwarranted contemptuous and violative of Articles 14, 19 and 21 of the Constitution of India and consequently suspend the above said impugned orders of the 1st respondent and direct to continue the petitioner.

**Counsel for the Petitioner: Mr. K.RATHANGA PANI REDDY**

**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

**The Court, at the stage of admission, made the following :**

**ORDER:**

The petitioner group was engaged to supply mid-day meals to the RCM School in Chennareddypally, Kalasapadu Mandal, Kadapa District. Consequent on the appointment of the

3rd respondent group for the said purpose, they have been terminated by the Mandal Revenue Officer concerned by the order dated 30-10-2004. Aggrieved by the termination, the 3rd respondent preferred an appeal to the 1st respondent. The 1st respondent by the impugned order, dated 05-05-2005, noticed the allegation of the 3rd respondent that the termination was without any notice or opportunity to the said respondent and accordingly directed the Revenue Divisional Officer, Rajampet, to conduct an open inquiry into the allegations against the 3rd respondent by giving sufficient publicity in the village and that meanwhile, i.e., till the completion of the inquiry, the 3rd respondent to continue as implementing agency of the mid-day meals scheme in the said school. As a consequence of this order, the petitioner's tenuous incumbency of the mid day meals scheme contract for supply of the meals to the school stood terminated. The petitioner contends that the 1st respondent erred in terminating the 3rd respondent to implement the mid-day meals scheme, pending inquiry, in view of the grave allegations against the 3rd respondent.

2. Reliance for the petitioner's contention that the 1st respondent exercised the appellate discretion perversely, is placed on the decision of a Division Bench in **B.MAHESWARAMMA v. SMT.M.RAMASUBBAMMA & OTHERS .** The Division Bench in the said case considered an appeal against the order of a learned single Judge staying the suspension of authorization of the fair price shop dealer on allegation of variation of terms and conditions of authorization. In that context, the learned Division Bench held that in view of the gravity of the allegations against a

fair price shop dealer, this Court, exercising the powers of judicial review, would not normally pass an order which has an affect on the effective authorization of a fair price shop which has been subjected to grave allegations.

3. In the case on hand, the relationship between the petitioner or the 3rd respondent and the respondents 1 and 2 is based on a contract to supply the mid-day meals. It is not based on a control order. Prior to the cancellation by the Mandal Revenue Officer concerned by the order dated 30-10-2004 there was, in fact, no suspension of the contract of the 3rd respondent. The cancellation order dated 30-10-2004 was a first and the only instrument terminating the contractual relationship, the validity of which, fell for consideration of the 1st respondent in the appeal. Since the 1st respondent-appellate authority found that the termination was invalid on account of violation of the principles of natural justice, he rightly directed that the inquiry should now be conducted against the 3rd respondent *de novo*, after adequate opportunity. As the initial termination was invalid, the 3rd respondent should be restored the contractual status, it otherwise had, but for the invalid orders of termination of the contract.

5. The judgment of the Division Bench affords no syllogistic assistance to the case on hand. On the aforesaid analysis, this Court finds no infirmity in the orders of the 1st respondent dated
05-05-2005. The Writ Petition is without merits.

6. Accordingly, the Writ Petition is dismissed.

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**(GODA RAGHURAM,J)**

30th June, 2005.

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To

1 The District collector,

Cuddapah .

2 The Mandal Revenue Officer,
Kalasapadu Mandal, Cuddapah District.

3 Two CCs to the GP for Civil Supplies,

High Court of A.P., Hyderabad (O.U.T.)

4 Two CD copies.